

## Contracting Community Highlights



**T**he Contracting Highlights section of *Army AL&T* Magazine affords us the opportunity to educate the acquisition community on our various Army contracting organizations' missions and achievements. While each feature article's goal is to provide in-depth information relative to a contracting organization, mission or process, we are sometimes able to provide personal, firsthand accounts from our contracting personnel who have deployed overseas. In this issue, the feature article details the lessons learned by the Bagram Air Base, Afghanistan, Contingency Contracting Office in "creating a regional peace." Patrick O'Farrell served as the Coalition Forces Director of Contracting during *Operation Enduring Freedom* and he provides a vivid illustration of the challenges and successes during his tenure.

In addition to the feature article and the regular DAR Council Corner, we pass on current news of note from a number of our contracting organizations — including the announcement of a new Principal Assistant Responsible for Contracting at the Military Surface Deployment and Distribution Command. We are honored to recognize the Army contracting personnel who undertook lengthy deployments during FY04. We also recognize the FY04 appointments of new contracting officers.

We appreciate the continued support from the field in providing material for publication, and we hope you find the submissions as informative and interesting as we do.

### Ms. Tina Ballard

Deputy Assistant Secretary of the Army  
(Policy and Procurement)



## Procuring Peace

*LTC Patrick O'Farrell (USA, Ret.)*

During *Operation Enduring Freedom*, I was Coalition Forces Director of Contracting at Bagram Air Base, Afghanistan. At central receiving near the main entry control point (ECP), 15 warlords governed the Parwan Province to the front and a "cooperative" Afghan warlord reigned quietly between my contracts office and the main airbase that was home to the Coalition Joint Task Force (TF). It was difficult to find a chapter in the *Federal Acquisition Regulations (FAR)* that addressed this scenario. Provost Marshal policy mandated that no Afghans bearing weapons pass ECP3 — which didn't do a whole lot of good for us at the front gate near ECP1.

Although it was unsettling to head to our office in the morning and walk past the military police (MPs) in full body armor, I knew our location was for the protection of critical air assets inside the air base. This is the operating environment that my contingency contracting officers (CCOs) and I, equipped with two volumes of the *FAR* and 100 Afghans at the door desiring contracts, found ourselves in.

The following is a collection of lessons learned by the Bagram CCOs while assisting our forces to instill regional peace and provide security while in Afghanistan.

### Creating Regional Harmony Through Contracts

By issuing more than 500 contracts per quarter, it's clear that Bagram CCOs played a key role in stabilizing the region and changing the Bagram economic environment from a wartime economy to a more business-like atmosphere. The TF Dragon Commander recognized early that contracting was a key center of gravity for maintaining regional stability. He developed an overarching strategy to integrate local warlords into the emerging government and to have the warlords, now called "delegates," serve as a ruling body over the local area. These warlords are the Afghan patriots who fought the Soviets, Taliban and other aggressors over the past 40 years. The delegates were assimilated into the new government, serving as a "chamber of commerce" for the coalition commander, civil affairs and contracting offices.

Maintaining security was critical to local U.S. military interests, and applying *FAR 6.1-302* to solicit within the local



Rebuilding local, war-torn communities can seem like an overwhelming task, but given the spirit, heart and dedication of the Afghan people, combined with the resources of coalition forces, the TF began to build momentum once local contracts were issued. (U.S. Army photo by MSG Bentura Fernandez.)

trade area under simplified acquisition procedures was an important factor in sustaining regional stability in Bagram. Other U.S./international companies also competed contracts in Bagram, but in separate and distinct markets. The local nationals had lower prices for low-tech, labor-intensive projects, while U.S./international companies competed in the more high-tech, preengineered buildings and services market. It was critically important that area residents understood this distinction to avert the impression of an invasion of businessmen from the west.

### Using Contingency Contracting Skills

Issuing multiple award contracts for high-dollar times also aided peacekeeping efforts. It spread the money around while ensuring one warlord would not develop a war chest from coalition forces' money. The contracting office also hired local nationals to serve as procurement assistants, interpreters and managers for our contracting front-office customer window. This helped put an Afghan face on customer service and decreased potential tensions in emerging relationships.

Employing caution, the procurement clerks worked in the commodities area for stateside purchases to maintain the integrity of construction bids and service contracts. Blanket purchase agreements for sand and gravel, along with established prices for Tier III standard tents (military-issued tents with plywood floors and walls, a wooden frame, electrical outlets and lights and kerosene heaters), were also valuable tools for keeping the peace.

For services transferred to larger corporate contracts, such as the Logistics Civilian Augmentation Program, subcontract management mandated hiring more than 60 percent local area nationals to maintain regional stability.

### Communication

I cannot emphasize enough the value of a contract bid board to communicate solicitation information to potential contractors. Initially, all of our Requests for Proposal were taken from the wall by the first bidder to get to the board, but the installation of a locked Plexiglas® cover afforded everyone a fair opportunity to examine the information and submit proposals. Our commander also found the bid board an excellent method of communicating to those outside the gate. Additionally, we posted signs explaining that weapons weren't allowed inside the contracting office.

### Creating One Message for the Locals

To speak with one voice and not have conflicting contract actions, commander's speeches or civil affairs efforts worked well in communicating with the Afghans. Contracting does more volume, touches more people and pumps more money into the local economy in a day than a month's worth of "hearts-and-mind" actions by civil affairs initiatives. We surmised early on that if locals were contracted to dig ditches, construct buildings and improve roads, peaceful relations would be easier to achieve. Our former Afghan warriors focused more on becoming shrewd businessmen than continuing the time-tested business of war.

### Using Your Soldier Skills

The key to force protection is link analysis, which uses spreadsheets to track who is winning what contracts, how contractors are related and how individuals are linked to specific companies. The spreadsheet includes a running total of contract dollars awarded. For example, "Jaweed Muhammed" might be related to "Muhammed Kahn," who is the brother-in-law of "General Babajan," all of whom are employed by "Blue Bird Construction Co." This kind of link analysis is important to review with the S2 (intelligence officer at battalion or brigade headquarters) and counterintelligence screening team to ensure a war chest is not being created in one warlord's area. A balance of money and power among warlords contributes to regional peace.

Hardening the office was also a critical piece of force protection. The engineers designed an excellent building for the contracting office to use, but hardening the office with sandbags, rocket bunkers, blast-resistant materials and connex containers was important for conveying to the local population that the coalition meant business. Also, on procurement runs to forward operating bases for local purchases, or in runs to the vendor base in Kabul, it was important, again, to convey our Soldier skills because Afghans understand and respect soldiers. Additionally, integrating the Provost Marshal



CCOs and MPs from the Bagram Contracting Office pay workers for building living quarters for coalition forces. (U.S. Army photo by MSG Bentura Fernandez.)

office into the contracting operation was important. Posting MPs in the hallways and alerting Apache attack helicopters to fly over the contracting building showed force, prevented robberies and contributed to keeping the peace.

#### **Recommendation for Future Operations**

In the future, a chapter should be added to the *FAR* that includes contingency-specific information for deployed CCOs. Using best value helped CCOs in most cases, but spelling out specific issues can make operations run more smoothly for contract lawyers and deployed contingency specialists.

Our CCOs quickly became the center of gravity for regional stability and played a key role in maintaining civility and peace. Integrating the former warlords into the contingency contracting process proved very successful as well. My most vivid memory from my deployment to Bagram was the pride and dedication displayed by the Afghan people in accomplishing the mission when awarded a contract. After decades of violence, their will was not broken, and they have their hearts set on building a new and stable life — one that we hope will keep lives in the United States and around the world free of terrorism.

*LTC Patrick O'Farrell (USA, Ret.) is a Contracting Branch Chief for the Research, Development and Engineering Command's Acquisition Center in Research Triangle Park, NC.*

## **Army Contracting Personnel Deployed in FY04**

We are proud to recognize the following Army contracting personnel who undertook lengthy deployments in FY04 in support of the global war on terrorism and other missions:

### **Corps of Engineers**

#### ***Portland, OR, District***

George W. Williams, Contract Specialist — Iraq

#### ***Humphreys Engineer Center Support Activity, Alexandria, VA***

Carol A. Williams, Contract Specialist — Kuwait and Iraq

### **Army Contracting Agency (ACA)**

#### ***U.S. Army Contracting Command, Europe***

MAJ William Bailey — Serbia and Montenegro

Gary Busby — Bosnia and Herzegovina

CPT James Bushnell — Iraq

MAJ John Coombs — Bulgaria

Thomas Copeland — Bosnia and Herzegovina

Solomon Evans — Bosnia and Herzegovina

MSG Glenn Fairley — Iraq

Norma Jean Guins — Bosnia and Herzegovina

Ken Gunn — Serbia and Montenegro

SSG John Hamilton — Iraq

Alfred Heinrich — Serbia and Montenegro

MAJ Benjamin Kinard — Bosnia and Herzegovina

SSG Tondra Madison — Iraq

SSG Rodney Mathis — Iraq

SFC Billy Porter — Iraq

MAJ Ronald Quinter — Iraq

Toni Sandoval — Bosnia and Herzegovina

CPT Keith Taylor — Iraq

### ***Information Technology, E-Commerce and Commercial Contracting Center***

Jose Martinez, Contract Specialist — Kuwait

### ***ACA-Southern Region***

COL Anthony Bell, Head of the Contracting Agency,

Coalition Provisional Authority (CPA) — Iraq

LTC Dennis Bleckley, Program Manager — Iraq

Colleen Burns, Senior Contracting Officer,

Rapid Equipping Force (REF) — Fort Belvoir, VA

William Dunlap, Contracting Officer, REF — Fort Belvoir

Phil King, Contracting Officer, CPA — Iraq

MAJ Cyprien LaPorte, Senior Contracting  
Officer, REF — Fort Belvoir  
Patricia Logsdon, Contracting Officer, CPA — Iraq  
Rod Prickett, Contracting Officer, CPA — Iraq

**U.S. Army Materiel Command (AMC)**  
**HQ AMC, Fort Belvoir**

MAJ Wayne Johnson, Contracting  
Officer — Serbia and Montenegro  
Liz Smith, Procurement Analyst — Iraq

**Army Field Support Command, Rock Island, IL**  
Gene Harrison, Contracting Officer — Kuwait  
LTC Valerie Pringle, Contracting Officer — Kuwait

**U.S. Army Aviation and Missile Command,**  
**Redstone Arsenal, AL**

James Wesley Cox Jr., Contract Specialist — Afghanistan  
Tania A. Fak, Contract Specialist — Kuwait  
Janice L. Fletcher, Procurement Technician — Kuwait  
Willie Ruth Jackson, Contract Specialist — Kuwait  
Colleen M. Rodriguez, Contracting Officer — Kuwait  
Patrick C. Sherrill, Contracting Officer — Afghanistan  
LTC John S. Womack, Contracting Officer — Kuwait and Iraq

**U.S. Army Communications-Electronics Command,**  
**Fort Monmouth, NJ**

Steven Clark, Contracting Officer — Egypt  
Donald Croes, Contracting Officer — Kuwait  
Robert Emuli Demus, Contracting Officer — Kuwait  
Marian Friedman, Contract Specialist — Kuwait  
Robert Kennedy, Contracting Officer — Qatar  
Erin Quinn, Contracting Officer — Kuwait  
Michelle Weinert, Contracting Officer — Kuwait  
Mark Young, Contracting Officer — Iraq

**U.S. Army Research, Development and Engineering Command**

LTC Jacques Azemar, Contracting Officer — Uzbekistan  
Dennis Longo, Procurement Analyst — Iraq  
MAJ Robert Macelli, Contracting Officer — Iraq  
Laurie Pierce, Contracting Officer — Iraq  
Victoria Thompson, Contract Specialist — Kuwait  
James Warrington, Principal Assistant  
Responsible for Contracting — Iraq

**U.S. Army Tank-automotive and Armaments Command**  
**(TACOM), Picatinny, NJ**

Eric Bankit, Contracting Officer — Iraq

**TACOM, Red River, TX**

Donald Kennedy, Contracting Officer — Kuwait

**TACOM, Rock Island**

MAJ Randy McGee, Contracting Officer — Afghanistan

**TACOM, Warren, MI**

Ume Chima, Contracting Officer — Kuwait  
Paul Clennon, Contracting Officer — Kuwait  
Priscilla Elaine D'Alio, Contract Specialist — Afghanistan

**Army Contracting Officers Appointed in FY04**

We are pleased to recognize the following Army personnel  
appointed as contracting officers in FY04:

**Army Contracting Agency (ACA)**

**U.S. Army Contracting Command, Europe**

|                        |                         |
|------------------------|-------------------------|
| Bailey, MAJ William J. | Loth, Peter             |
| Blanchard, Quentin     | Lucas, Leigh Ann        |
| Brown, Barbara A.      | Mayer, Sigrid           |
| Busby, Gary            | Mazara, Marsha          |
| Daniels, LTC Debra D.  | Rader, David            |
| Evans, Solomon         | Robinson, Kennith       |
| Foshay, Carlton        | Scott, Lorraine         |
| Hamilton, Randall      | Scott, Suzanne          |
| Harger, MAJ Daryl P.   | Seeger, Yanina          |
| Heinrich, Alfred       | Smith, Carroll          |
| Higginbotham, Cathy    | Stowe, Elie Fried       |
| Hillegas, Teresa A.    | Taylor, Sarah           |
| Hurt, James Jr.        | Vaccaro, Mark A.        |
| Kraus, Gabriele        | Van Beneden, Sandra     |
| Lefevre, Madhu         | Van Tassel, Sherry Lynn |
| Livengood, Alina       | Ward, James             |

**Information Technology, E-Commerce and Commercial**  
**Contracting Center**

|                            |                   |
|----------------------------|-------------------|
| Baker, Timothy             | Golling, Dawn     |
| Blesi, Diane               | Grayson, John     |
| Cafilisch, Christian       | Hall, Cynthia     |
| Cloutier, Elizabeth        | Hastings, Pamela  |
| Donnelly, Patrick          | Kinsey, Norma Sue |
| Drew, Craig                | Kuhl, James       |
| Dulanto-Hassenstein, Jorge | Lukavec, Teresa   |
| Garnes, Pamela             | Parra, Debra      |



Russell, Jadie  
Thye, Thomas  
Underwood, Joann

### *ACA-Southern Region*

Aytch, Rodney D.  
Baldwin, Charles E.  
Barbee, Melissa M.  
Batson, Andre D.  
Bernardini, Mary S.  
Berns, Helen M.  
Bledsoe, Nancy L.  
Boynnton, Sabra A.  
Braswell, Derrick L.  
Bristol, David P.  
Burke, Leeann  
Butler, Steven L.  
Calcote, Glenda S.  
Calderon, Sheryl R.  
Carter, Linda Jo  
Chapple, Christopher W.  
Charles, Rosanna M.  
Clark, Brenda J.  
Cochrane, Dennis D.  
Cole, Wade Clay  
Craig, Deborah S.  
Delagado, Frank Jr.  
Dixon, Martha S.  
Dooley, Matthew R.  
Elliott, Lerrmon  
Fisher, Richard J.  
Ford, Cynthia Ann  
Fortune, Charles T.  
Gadson, Valerie L.  
George, Luzmila V.  
Goins, Jared L.  
Golden, Karen  
Gonzalez, Lucia  
Greene, Christopher K.  
Grimes, John H.  
Hannon, Timothy E.

### *Army Materiel Command*

#### *Army Field Support Command, Rock Island, IL*

Burgett-Jackson, Janet  
Carr, MAJ Jay T.  
Cox, Steven  
Diettel, Michael L.  
Dixon, Ernie  
Duhart, Valiant

Wentrcek, Kimberly  
Wherry, Bill

Hawkins, Jon  
Heck, Sheri L.  
Hilliard, Nancy K.  
Jacobs, Angela D.  
Johnston, Frances J.  
Jusino, Juan A.  
Kemmerer, David A.  
Klopotoski, Dean T.  
Kraus, Wilhelmine  
Kushinsky, Denese J.  
Langford, Linda K.  
Mack, Sandra D.  
Mason, Barbara L.  
McIntyre, Kelley A.  
Milner, Michael W.  
Murphy, Brian P.  
Newsom, Olin D.  
Ochoa, Deanna L.  
Parker, Betty J.  
Passmore, Elizabeth G.  
Pressley, Michael A.  
Rand, Jaimy S.  
Robane, William  
Roulain, Rhonda J.  
Schumitz, Robert W.  
Silva, Julia A.  
Simpson, Erik J.  
Small, Rolan  
Staten, Carolyn L.  
Thomas, Peggy J.  
Urquhart, Darlene M.  
Via, Maxine J.  
Whittemore, Jannette B.  
Wood, Patricia S.  
Word, Deborah L.

Pleasant, Cynthia J.  
Prather, James  
Ridder, Margaret A.  
Roberts, Beverly  
Seaba, Julie

Smith, Charles  
Taylor, Russell  
Wall, MAJ Steven  
Weston, Jana Lynn  
Youngman, Sylvia R.

### *U.S. Army Aviation and Missile Command,*

#### *Redstone Arsenal, AL*

Cicolini, Nannette V.  
Deveaux, Gerard P.  
Fak, Tania A.  
Foster, Dorphelia B.  
Fowler, Hilda E.  
Fowler, Jeffrey T.  
Gates, Carolyn J.  
Hunt, Margaret  
Jordan, Bobbie T.  
Lockard, MAJ William M.

McClure, Lark W.  
Nolin, Chester  
Ortiz, LTC Teresa  
Ragland, Ellaphine  
Ross, MAJ Peter A.  
Springer, Emily A.  
Wells, Patricia K.  
Wilson, Gregory A.  
Yates, MAJ Emmett

### *U.S. Army Communications-Electronics Command,*

#### *Fort Monmouth, NJ*

Botwinick, Joanne  
Caltabilota, Patricia A.  
Haase, Brenda E.  
Hansen, Barbara A.  
Hanson, Todd T.  
Hessler, Emilce E.  
Kampschroeder, Jean  
Kormann, Victoria A.  
Ludwig, Matthew J.  
Massaro, Robert A.  
Mazza, JoAnn M.

McCallum, Donna  
Norton, Nancy M.  
Oglevee, Danielle S.  
Piermattei, Robert T.  
Ross, Charles W.  
Simmons, Michaela J.  
Smeltzer, Richard E.  
Snell, Jerrel D.  
Stricker, Bette L.  
Tedeschi, Kimberly A.

### *Program Manager, Saudi Arabian National Guard,*

#### *Fort Belvoir, VA*

McIntosh, Melvin  
Sanchez, Frank Jr.

Travis, Willie A. Jr.

### *U.S. Army Research, Development and Engineering Command (RDECOM), Natick Contracting Division, Natick, MA*

Murphy, Sean

### *RDECOM, Research Triangle Park Contracting Division, Research Triangle Park, NC*

O'Farrell, Patrick

### *Tank-automotive and Armaments Command (TACOM), Anniston, AL*

Dingler, Rita  
Jones, Valerie

**TACOM, Picatinny, NJ**

Howerton, Yvonne  
Kallistros, Cathleen Anne

Pascale, Stephanie Tara  
Yim, Anna

**TACOM, Rock Island**

Dennison, Bette  
Hemmen, Adria  
Hurst, MAJ Donald W.  
Jaggers, Elvia  
Maple, Terri

McGee, MAJ Randy  
Sanner, MAJ Michelle  
Simmons, Alberta  
Stottlemire, Teresa  
Wendland, Michael

**TACOM, Warren, MI**

Beard, MAJ Kirby  
Bursey, Loretta  
Cummings, MAJ Kenneth  
Elliott, Jane

Fields, MAJ Kenneth  
Lewis, Leslie  
Sinelli, Scott

**News From the Field**

**USAMRMC Procurement Stand Down.** The U.S. Army Medical Research and Materiel Command (USAMRMC), through its contracting activity, U.S. Army Medical Research Acquisition Activity, sponsored a Procurement Stand Down Day on Nov. 3, 2004. This effort in contracting and procurement training is part of the command's continual commitment to its staff's professional development. In addition to training 84 contracting professionals, the Stand Down Day included 78 individuals from the command's labs and logistics organizations who were invited to the event. The training day started with a motivational video on "Managing Change and Transition," followed by procurement-specific topics taught by some of the profession's best and brightest. Significant topic areas included: use of sole source requirements; small business set-asides; award extensions; advanced acquisition planning; subject to availability of funds; wide area network flow and assigning appropriate priority designator; and *DD350 Individual Contracting Action Report (Federal Procurement Data System-Next Generation)*.

**SDDC Awards Contract Supporting DOD "Families First" Initiative.** The Military Surface Deployment and Distribution Command (SDDC) recently awarded a \$55 million contract to SRA International to design, develop, deploy, operate and maintain the new Defense Personal Property System. This Web-based personal property system will integrate and automate all DOD processes that support military service families' moves worldwide. Services include project

management, requirements analysis, systems integration, information assurance, database development and integration of commercial-off-the-shelf customer relationship management and supply chain management technologies. This new system, part of the DOD "Families First" initiative, will streamline the personal property movement process and align with ongoing transportation reengineering and business improvement initiatives throughout DOD. The SDDC manages DOD's \$1.8 billion Personal Property Program, moving more than 500,000 shipments annually for the military services (including the U.S. Coast Guard) and other DOD agencies.

**ACA SRCC-E Supports Mobilized Soldiers.** The Army Contracting Agency's (ACA's) Southern Region Contracting Center-East (SRCC-E) awards and administers contracts that support the First Army's mission — to prepare mobilized Soldiers to go to war. The training prepares Soldiers for the conditions they will face in Iraq. The training uses contractor personnel, termed "civilians on the battlefield" (COBs), to instruct Soldiers in situations, including searching civilians or interrogating civilians through interpreters; dealing with cultural differences in dress and interpersonal exchanges; and the respectful treatment of women in the Middle East. The SRCC-E has located a number of small business and Native American firms that provide these COB training services and is currently developing an acquisition strategy to compete a long-term requirement.



Mobilized First Army Soldiers practice searching a "civilian on the battlefield" role player provided under the SRCC-E contract. (Photo by ACA-Southern Region.)

**SMDC and Army Strategic Forces Command Awards IDIQ Contracts to Small Businesses.** In June 2004, the Space and Missile Defense Command (SMDC)/Army Strategic Forces Command contracting team, led by contracting officers Mary Gorman and Janet Schwarzbart, awarded three indefinite delivery indefinite quantity (IDIQ),

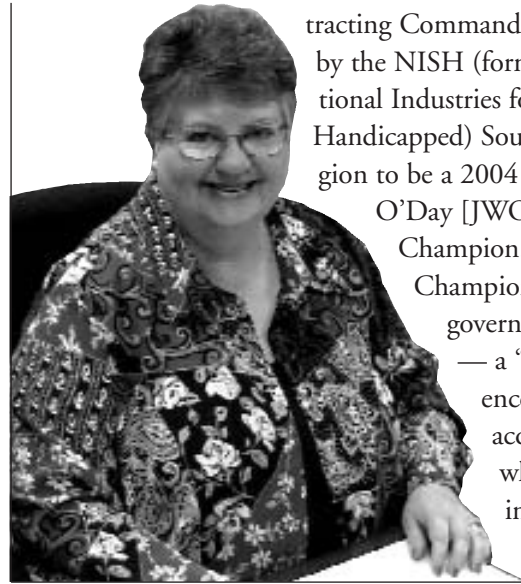
cost-plus-fixed-fee contracts under a 100-percent small business set-aside. The contracts were awarded to provide scientific, engineering and technical assistance for the Space and Missile Defense Initiatives Support II program. Contracts were awarded to the following Huntsville, AL, small businesses: CAS Inc., COLSA Corp. and Dynetics Inc. Each small business is required to perform 50 percent of the work as a prime contractor over the life of the contract. The contracts have the capacity to provide support to any government agency involved in the space, homeland defense and missile defense arenas. The contracts have a 5-year ordering period — October 2004 through September 2009 — with a maximum contract value of \$245 million each. Within the first 2 months, there were more than 40 task orders competed among the three prime contractors for a total estimated cost of approximately \$17.3 million. The good news is that through upfront planning and successfully involving industry before draft request for proposal (RFP) releases, the contracting team met its goal of awarding early without discussion. The time saved was used to introduce the small business contractors and their capabilities to government customers, and to promote competition among the three winners on individual task orders. For example, RFPs on task orders were phased to help the small businesses meet suspense dates, and debriefings were offered to ensure the small business contractors understood how they could improve to be more competitive on future orders. For additional information, contact Mary Gorman at [Mary.Gorman@smdc-cs.army.mil](mailto:Mary.Gorman@smdc-cs.army.mil) or Janet Schwarzbart at [Janet.Schwarzbart@smdc-cs.army.mil](mailto:Janet.Schwarzbart@smdc-cs.army.mil).

#### AMCOM Success With Patriot FPIS-FFP Conversion

**Contract.** The Aviation and Missile Command (AMCOM) awarded the Patriot Advanced Capability-3 (PAC-3) Low Rate Initial Production-3 (LRIP-3) Contract in February 2002 as a fixed price incentive with successive-targets (FPIS) contract; the first of its kind issued by AMCOM. An FPIS contract allows for negotiation of a fixed price at a later date after unknown costs and uncertainties are identified, thereby reducing the cost risk associated with the contract. The PAC-3 LRIP-3 contract was initially executed with a target cost of \$375 million. However, after evaluation and negotiation, this FPIS contract was converted to a firm fixed price (FFP) contract with a final FFP amount of \$333 million. Following the conversion, \$42 million was deobligated, returned to the government in September 2004 and reobligated prior to end of the fiscal year for use on the PAC-3 program. The contractor involved in this effort is Lockheed Martin Missile and Fire Control-Dallas, TX.

#### ACA-Southern Region Employee Named JWOD

**Champion.** Nancy F. Brown, Chief Contracts Division Chief at the Fort Hood, TX, Contracting Command, was selected by the NISH (formerly the National Industries for the Severely Handicapped) South Central Region to be a 2004 Javits-Wagner-O'Day [JWOD] Program Champion. A JWOD Champion is a federal government employee — a “point of influence,” primarily in acquisition — who fully believes in the JWOD Program mission and is doing everything in his or her sphere of responsibility to provide employment opportunities for people with disabilities. Within the ACA-Southern Region, awards to NISH work centers increased from \$38 million in FY03 to \$60 million in FY04, largely because of Fort Hood's and Brown's efforts. Brown was featured in an article in the December 2004/January 2005 NISH *Workplace Magazine*.



Nancy F. Brown, NISH South Central Region JWOD Champion, is hard at work. (Photo by ACA-Southern Region.)

#### Competitive Professional Development Opportunities

The Office of the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASAALT) is offering 1-year developmental assignments to all DA employees at the GS-12 level (or Acquisition Demonstration broadband equivalent) in the Contracting and Acquisition Career Program (CP-14). The Contracting Career Program Office funds travel and temporary duty costs. For details, see the June 29, 2004, memorandum titled *FY2005 Competitive Professional Development (CPD) Announcement for the Contracting and Acquisition Career Program (CP-14)*.

The U.S. Army Acquisition Support Center at Fort Belvoir, VA, can provide additional information about this opportunity. Contact Sally Garcia at (703) 805-1247/DSN 655-1247 or e-mail [Sally.Garcia@us.army.mil](mailto:Sally.Garcia@us.army.mil). Online information can be found at <http://asc.army.mil/programs/cp/opportunities.cfm>.



## SDDC Announces New PARC

The Military Surface Deployment and Distribution Command (SDDC) welcomed new Principal Assistant Responsible for Contracting (PARC) Francis A. Giordano. The SDDC supported Army transformation by converting the PARC position from a military to a civilian slot. Giordano also serves as the Director, SDDC Acquisition Center. His 20 years' acquisition experience includes 3 years as SDDC Contracting Center Director and 8 years as Acquisition Division Chief. Giordano earned a master's degree in business administration from The George Washington University and is a graduate of the Federal Executive Institute, Charlottesville, VA.

In January 2004, the Military Traffic Management Command was renamed the SDDC to more accurately reflect its mission. The SDDC provides global surface deployment command and control and distribution operations to meet national security objectives in peace and war. The SDDC Acquisition Center is responsible for the award and administration of contracts for these transportation services and supplies.

## The DAR Council Corner

**Comptroller General Decision on IDIQ and Multiyear Contracts.** *Comptroller General (Comp. Gen.) Decision B-302358*, dated Dec. 27, 2004, regarding the Bureau of Customs and Border Protection's Automated Commercial Environment (ACE) contract stated that ACE was an indefinite delivery, indefinite quantity (IDIQ) contract and therefore was not subject to the multiyear contracting requirements of 41 U.S.C. 254c, including the termination provisions in that section. Upon contract award, customs should have obligated the contract minimum of \$25 million per 31 U.S.C. 1501(a), the recording statute, to ensure the integrity of customs' obligational accounting records. The ruling refers to an earlier decision under 65 Comp. Gen. 4,6 (1985): B-242974.6, of Nov. 26, 1991, stating that an agency is required to record an obligation at the time it incurs a legal liability, which occurs during contract award. This decision contains an excellent discussion of the difference between an IDIQ contract and a "multiyear contract

under section 254c." The Government Accountability Office also explains the difference between multiyear contracting and an IDIQ multiple-year contract and the importance of such differences when funds must be obligated.

**Proper Use of Non-DOD Contracts.** In February 2005, Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASAALT) Claude M. Bolton Jr. and Assistant Secretary of the Army for Financial Management and Comptroller Valerie Lynn Baldwin issued the Army policy and procedures for reviewing and approving the proper use of non-DOD contracts to acquire supplies or services, with an estimated dollar value above \$100,000, titled the Simplified Acquisition Threshold. These procedures implement Section 854 of the *FY05 National Defense Authorization Act (Public Law 108-375)* and the associated requirements of the Office of the Secretary of Defense Policy memorandum, *Proper Use of Non-DOD Contracts* dated Oct. 29, 2004.

Ensuring proper use of non-DOD contracts, including orders against the General Services Administration's *Federal Supply Schedules*, requires an emphasis on market research; acquisition planning; and the early involvement of the requirements, contracting and financial management personnel in the acquisition process. Although the requirements community has the primary responsibility to ensure compliance with this policy, all must work closely together to develop an acquisition strategy that complies with the procedures contained in this memorandum and ensure that use of a non-DOD contract is in the best interest of the Army and its customers.

The procedures address both direct acquisitions (i.e., an order placed by an Army or DOD contracting officer against a non-DOD contract) and assisted acquisitions (i.e., orders placed on the Army's behalf) by a U.S. official outside DOD for supplies and services.

These procedures were effective Jan. 1, 2005, and will be used until the *Defense Federal Acquisition Regulation Supplement*, the *Army Federal Acquisition Regulation Supplement* and the *DoD Financial Management Regulation* are updated.

To view the policy, go to the ASAALT Web site at <https://webportal.saalt.army.mil/main/saal-zp.htm?page-no=3> and select **Acquisition Information and Links to Other Sites** then **Information/Guidance/Publications**.

*This information was provided by Army Policy Member Barbara Binney.*



## Contractors Accompanying the Force: Challenges and Recommendations

*Andrew O'Rourke*

Historically, contractors have been an essential component of the U.S. Army and a significant contributor to its mission successes. However, the use of contractors supporting contingency operations presents several challenges. To overcome these challenges, the Army must pursue revisions to current laws, policies and regulations and consider changes in the way contractor support is managed.

Contractor support has been provided to the military since the United States was founded. George Washington used civilians to transport supplies. Contractors participated in every U.S. war including the Civil War, World War I, World War II, Korea and Vietnam. Their involvement with current operations in Iraq and Afghanistan has been critical.

Using contractors as part of the total force is consistent with DOD Joint Chiefs of Staff policy that states, "The total force policy is one fundamental premise upon which our military force structure is built. It was institutionalized in 1973 and ... as policy matured, military retirees, DoD personnel, contractor personnel and host nation support personnel were brought under its umbrella to reflect the value of their contributions to our military capability."

On the battlefield, the Army employs contractors so that soldiers can focus on warfighting missions. In Bosnia, the Army used contractors for firefighting services because the number of military personnel was limited. This limitation is known as a "force cap." When force caps are in place, contractors routinely replace military personnel so that they are free for combat operations. In addition, the Army relies on contractors to provide installation and weapons system support. Contractors were used to support the Guardrail Surveillance Aircraft because the Army determined that using government support was not cost-effective.

Contractor support is predicated on contract execution. The Army, like all executive agencies, executes contracts that are consistent with the *Federal Acquisition Regulation*. Contracts between the Army and private industry can only be executed by contracting officers (COs) appointed by the Head of the Contracting Activity or Principal Assistant Responsible for Contracting. COs are responsible

for ensuring that contracts comply with all applicable laws and regulations.

In addition to laws and regulations, contractors may also be subject to military statutes and/or international treaties, notably the Geneva Convention. The Geneva Convention applies to military combatants and, "... person[s] who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces." The convention establishes the term "contractor accompanying the force." It requires contractors accompanying the force to obtain cards that specifically identify them as contractors. This identity card affords contractor personnel with the protections of the convention such that they, "... be treated humanely, without adverse distinction founded on race, colour, religion, sex, birth or wealth, or any other similar criteria." In addition to the Geneva Convention and other international treaties, contractors may be subject to the Uniform Code of Military Justice (UCMJ) in wartime.

Deploying contractors to the battlefield presents certain challenges. One significant challenge involves the oversight of a contractor's performance in a combat environment. Unlike soldiers, individual contractor personnel are not legally accountable to the chain of command. Rather, they are accountable to their corporate management, the CO and the terms of any specific contract. Serious consequences can occur when proper oversight is overlooked. This was demonstrated at the Abu Ghraib Confinement Center in Iraq, when criminal abuses against detainees were uncovered. These abuses were attributed to contractor and military personnel at Abu Ghraib. The Army's investigation of these abuses revealed that the contractors were not properly supervised within the confinement center. They were allowed free access within the facility and were not easily identified. Contractors were issued military-type uniforms with no distinguishing marks other than a small label saying, "U.S. Contractor." This led to confusion within the military, evidenced by the fact that several contractor personnel were awarded Purple Hearts or Bronze Stars. These awards were withdrawn because only members of the military are eligible for them.

In addition to oversight challenges, the lack of DOD-wide policy and contract language also presents a formidable challenge. Currently, there isn't DOD-wide guidance that establishes policies or implementation instructions for contractors accompanying the force. In addition, there isn't a standard contract language applicable to the deployment and support

of contractor personnel. The Government Accountability Office found that when the U.S. Army's 4th Infantry Division was deployed in support of *Operation Iraqi Freedom*, the support contracts executed for the effort contained either vague deployment contract language or were silent altogether. This put contractors in an untenable position. As a result, DOD and the Army are working together to develop guidance for all military departments on managing contractors. This combined DOD-Army exercise has three goals. The first is to provide consistent guidance throughout the departments. The second goal is to provide more specific guidance relative to the issuance of weapons and uniforms. The third is to use that guidance to develop future Joint doctrine relative to contractors accompanying any force into combat.

Standard contract language is critical to solving contractor-related challenges on the battlefield. Proposed contract language has been developed and an interim rule was published in the *Federal Register* on March 23, 2004. The proposed language applies to all contracts calling for contractor support of deployed troops for peacekeeping, humanitarian or combat operations, and will be formalized upon its publication in the *Defense Federal Acquisition Regulation Supplement*.

The language will increase the quantity and quality of contracting officer's representatives (CORs) embedded with combat troops in theater. CORs represent COs and manage contractors' performance consistent with requirements. Without properly trained CORs, proper oversight and surveillance of contractors cannot occur. As discussed, individual contractor personnel at the Abu Ghraib Confinement Center lacked proper supervision and oversight. A COR might have provided the oversight needed to prevent the problems at the confinement center.

While implementing consistent DOD-wide policy, adopting standard contract language and using well-trained CORs will mitigate most challenges occasioned by contractors, it has been suggested that the Army apply the UCMJ to its support contractors. While the UCMJ applies to contractors during a declared war, it doesn't apply to the current operations in Iraq and Afghanistan. Consequently, contractors are not subject to the provisions of the UCMJ. So, the two civilian contractors involved in the Abu Ghraib abuses will only receive letters of reprimand, have their security clearances revoked and employment terminated. These are insufficient consequences given the gravity of the abuses. Military personnel similarly involved may face incarceration as a result of their criminal acts. While there is a risk that contractors

might be hesitant to accept a contract if the UCMJ was applied, many contractor personnel have considerable military experience and recognize the implications of the UCMJ.

Contractors accompanying the force are an essential component in achieving the U.S. Army's mission. Contractors have a long history of supporting the Army and Soldiers on the battlefield. And, with the proper precautionary measures, they will continue to do so in the future.

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### **CECOM'S Common Hardware/Software Acquisition Team Recognized for Its Dedicated Support to PM CHS**

*Bob Tiedeman*

On Nov. 19, 2004, the U.S. Army Communication-Electronics Command's (CECOM's) Common Hardware/Software Acquisition Team was honored for its efforts for supporting the Program Manager Common Hardware/Software (PM CHS). The team, led by Contracting Officer Marcia Easton and Contract Specialists Gene Caffrey, Shannon Lis, Michelle Banach, Anne Marie Vasconcelos, Thomas Flynn and Kevin King, was presented with certificates of appreciation by, Product Manager Dr. Ashok Jain for their dedicated and ongoing support in FY04.

Common Hardware/Software III is a 10-year indefinite delivery/indefinite quantity contract that provides Army, Navy, Air Force and Marine tactical computer users with commercial and ruggedized computers, network hardware equipment, power subsystems, peripheral devices and commercial software worldwide.

Jain recognized the team's dedication, technical competence and outstanding performance that help PM CHS better support the warfighter.

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